

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference P1166PCT | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/CH2004/000207 | International filing date (day/month/year) 02.04.2004 | Priority date (day/month/year) 03.04.2003 |
| International Patent Classification (IPC) or national classification and IPC | | |
| Applicant CS ANALYTICS AG | | |

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|--|
| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. |
| 2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. |
| 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |
| 4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CH2004/000207

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-5 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets _____ as originally filed/furnished
- sheets* 1/2-2/2 _____ received by this Authority on 01.12.2004 with letter of 29.11.2004
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CH2004/000207

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-----------------|-----|
| Novelty (N) | Claims <u>1</u> | YES |
| | Claims _____ | NO |
| Inventive step (IS) | Claims _____ | YES |
| | Claims <u>1</u> | NO |
| Industrial applicability (IA) | Claims <u>1</u> | YES |
| | Claims _____ | NO |

2. Citations and explanations (Rule 70.7)

1. Independent claim 1

1.1 D1 is considered the prior art closest to the subject matter of claim 1. D1 discloses (see the entire document) a rotation valve for high power liquid chromatography (HPLC)

- with a stator (10) with connections (e.g. 14, 15) for solvent reservoirs, pumps, chromatography columns, etc., and holes leading from the connections to openings in a contact surface, and a disc-shaped rotor (11) with front-end connection grooves (12, 13) for the optional interconnection of various connections, wherein
- the openings in the contact surface are distributed evenly across one circle and the connection grooves (12, 13) in the front face of the rotor are configured in the form of circular segments and are arranged such that, in defined rotor positions, three connections are simultaneously connected to one another

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

(see also claim 1).

1.2 The subject matter of claim 1 differs from D1 in that

- the openings in the contact surface are distributed evenly across two concentric circles and that in defined rotor positions on each circle, five connections are simultaneously interconnected (see also claim 1).

1.3 These differentiating features appear, however, to be known measures lying within the scope of that which a person skilled in the art routinely does on the basis of familiar considerations. Depending on the task to be accomplished by the rotation valve, a person skilled in the art would therefore design the stator with as many concentric circles as necessary and would design the grooves on the rotor such that as many connections as necessary were simultaneously interconnected.

1.4 The subject matter of claim 1 does not therefore appear to involve an inventive step (PCT Article 33(3)).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box I:

D1: WO 02/12878 A (DOEBELIN WERNER) 14 February 2002
(2002-02-14)